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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNIVERSAL CITY STUDIOS, INC.,
Plaintiff,

vs.

NINTENDO CO., LTD. and
NINTENDO OF AMERICA, INC.,
Defendants.
-----x

82 Civ. 4259 (RWS)

SUPPLEMENTAL ANSWERS OF
DEFENDANT, NINTENDO OF
AMERICA, INC., TO PLAINTIFF'S
FIRST INTERROGATORIES AND
FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS

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BY	JRG

Defendant Nintendo of America, Inc. hereby provides supplemental answers to the first set of interrogatories and first request for production of documents of the plaintiff, Universal City Studios, Inc., as follows:

Interrogatory No. 3

Identify the persons responsible for (a) developing and (b) marketing, selling and promoting in the United States the game DONKEY KONG. If defendants have documents which describe or narrate the circumstances which led to the development and subsequent marketing of DONKEY KONG, please give a description of the documents and state where they are located.

Supplemental Answer to Interrogatory No. 3

The minutes of a meeting of the Development Department held March 2, 1981 wherein the development of Donkey Kong was discussed are produced herewith. These minutes were prepared by Mr. Shigeru Miyamoto. In addition, Mr. Miyamoto's file on Donkey Kong which was compiled during the game's development is enclosed consisting of a

descriptive scenario of the game, character sketches, and preprogram sketches. Also enclosed is a picture of the scenario planned for the game using Popeye characters. The date of this picture is March 21, 1981.

Interrogatory No. 5

- (1) When and with whom did the name DONKEY KONG originate?
- (2) Were any other names for this game considered? If so, what were they and what were defendants' reasons for not using them?
- (3) Give the reason why defendants decided to use the name DONKEY KONG to denote the video arcade game which is the subject of this lawsuit.
- (4) Identify all documents which refer to or relate to the decision and the reasons for the decision by defendants to call DONKEY KONG, DONKEY KONG.

Supplemental Answer to Interrogatory No. 5

The early scenario of the game depicted in the March 21, 1981 picture contained the basic concept of someone climbing a structure avoiding obstacles being thrown down by a character at the top of the game board. The idea of using a monkey in the game was developed after March 21. The monkey idea was proposed by Mr. Miyamoto because the Brutus character in an earlier game version reminded Mr. Miyamoto of a gorilla to which it was graphically similar. The original working title of the game was Popeye No. 1. At various times, the game under development was also referred to as Radar Scope Part 2.

Sometime during the course of the program development, Mr. Miyamoto and Mr. Yokoi began referring to the game as "Table Kong

game" or "TKG". To Mr. Miyamoto, kong meant a gorilla since the popular name for a gorilla in Japan is kong.

At the end of May 1981, Mr. Todoru devised the name Donkey Kong for the game after reviewing various suggestions from the Development Department. The various names considered include: Funny Kong, Kong the Kong, Jack Kong, Funky Kong, Bill Kong, Steel Kong, Giant Kong, Big Kong, Kong Down, Kong Dong, Mr. Kong, Custom Kong, Kong Chase, Kong Boy, Kong Man, Kong Fighter, Wild Kong, Rookie Kong, Kong Holiday, and Donkey Kong.

The foregoing answers are true and correct to the best of my information and belief.

Dated: New York, New York
December 20, 1982

Minoru Arakawa
President of Nintendo of
America, Inc.

Sworn to before me this
day of , 1982

Notary Public